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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,869	02/08/2002	Yixing Lin	006846 USA/CPS/IBSS	8725
32588	7590	01/29/2004	EXAMINER	
APPLIED MATERIALS, INC. 2881 SCOTT BLVD. M/S 2061 SANTA CLARA, CA 95050			COMBS, JANELL A	
			ART UNIT	PAPER NUMBER
			1742	

DATE MAILED: 01/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/071,869

Applicant(s)

LIN ET AL.

Examiner

Janelle Combs-Morillo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20, 22 and 24-34 is/are pending in the application.
- 4a) Of the above claim(s) 1-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-20, 22 and 24-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10/20/03
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. In the response filed October 27, 2003, applicant elected group II, claims 8-20, 22, and 24-34. Applicant pointed out that the list of pending claims set forth by the previous action was incorrect, and the examiner agrees. The pending claims are 1-20, 22, and 24-34, wherein 1-7 are withdrawn without traverse.

### *Claim Objections*

2. Claim 26 is objected to because of the following informalities: claim 26 and claim 24 are identical (after the amendment filed on October 27, 2003). Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 8-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Miyashita (5,039,388).

Miyashita teaches a high purity (column 3 lines 35-40) aluminum alloy with controlled particulate size of  $\leq 2 \mu\text{m}$  (column 3 lines 48-49) for use in semiconductor processing apparatus (column 1 lines 7-13). The maximum particle diameter does not exceed  $1.5 \mu\text{m}$  (column 5 line 59), which meets the presently claimed microstructural limitations (all particles are less than  $5 \mu\text{m}$ , none are between  $5\text{-}20 \mu\text{m}$ , none are between  $20\text{-}50 \mu\text{m}$ ). Miyashita teaches that an anodic

oxidation layer is applied to said aluminum alloy in order to increase corrosion resistance (column 2 lines 43-44, 63-64, column 3 line 9).

Concerning claims 12-14, Miyashita teaches an aluminum alloy example with 99.997% purity, and further containing 4% Mg, 20 ppm (0.002%) of each Fe and Si. Miyashita does not mention the presence of Cu, Mn, Zn, Cr, or Ti, and therefore these elements are held to be substantially zero.

Concerning claims 15 and 16, because Miyashita teaches a substantially overlapping process, performed on a alloy that falls within the instant composition ranges and microstructural features, then the corrosion resistance with respect to active halogen species is held to be inherent.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 17, 20, 22, 28, 31, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hisamoto et al (US 6,066,392) and Miyashita (5,039,388).

Hisamoto teaches a process for providing an anodic oxidation film on an aluminum alloy that is excellent in gas and plasma corrosion resistance (abstract). Hisamoto teaches the electrolytic oxidation process involves anodizing in an aqueous solution of 10-20g/l oxalic acid and 100-200 g/l of sulfuric acid, which converts to 1-2% oxalic acid and 10-20% sulfuric acid

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(wherein 10g oxalic acid/ 1000g water=1%, 20g oxalic acid/ 1000g water= 2%, 1L=1000g of water). Hisamoto teaches that said electrolytic solution can be adjusted to control the incorporated amounts of C (oxalic acid) and S, C, and N (sulfuric acid) (column 10 lines 53-61). The electrolyte voltage in anodic oxidation is typically 5-200 V (column 9 line 14). Hisamoto does not disclose the temperature at which the anodizing treatment takes place, and therefore it is held to take place at substantially room temperature (approx. 20°C). Hisamoto does not teach the use of a high purity alloy with the instant microstructural characteristics.

Miyashita, who is also drawn to forming anodized coatings on aluminum alloys, teaches a high purity (column 3 lines 35-40) aluminum alloy with controlled particulate size of  $\leq 2 \mu\text{m}$  (column 3 lines 48-49) for use in semiconductor processing apparatus (column 1 lines 7-13). The maximum particle diameter does not exceed  $1.5 \mu\text{m}$  (column 5 line 59), which meets the presently claimed microstructural limitations (all particles are less than  $5 \mu\text{m}$ , none are between  $5\text{-}20 \mu\text{m}$ , none are between  $20\text{-}50 \mu\text{m}$ ). Miyashita teaches that an Al-Mg alloy composition of high purity is preferred because if particles  $> 2 \mu\text{m}$  are present on the surface of the material, they form electrode regions resulting in an inconsistent surface (column 3 lines 49-53). It would have been obvious to one of ordinary skill in the art to use the Al-Mg alloy with small particles in the process taught by Hisamoto, because Miyashita teaches that a more uniform anodizing layer can be achieved on Al-Mg alloys with maximum particle diameter  $< 1.5 \mu\text{m}$ .

Concerning claims 20 and 31, Hisamoto teaches that the pore sizes range 5-150 nm, which falls within the instant range of 30-75 nm.

Concerning claims 22 and 28 Miyashita teaches an aluminum alloy example with 99.997% purity, and further containing 4% Mg, 20 ppm (0.002%) of each Fe and Si. Miyashita

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does not mention the presence of Cu, Mn, Zn, Cr, or Ti, and therefore these elements are held to be substantially zero.

7. Claims 18-20, 22, and 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hisamoto et al (US 6,066,392) and Miyashita (5,039,388), as applied to claims above, in view of "XP-002244144" hereinafter XP'144.

Concerning claims 18, 19, 29, and 30 neither Hisamoto nor Miyashita teach the surface cleaning with the phosphoric/nitric acid solution substantially as presently claimed (though Miyashita teaches a surface pretreatment followed by water washing is customary to prepare the surface, column 4 lines 13-16). However, it is known to prepare the surface of articles to be anodized by cleaning with acidic solutions prior to anodization (XP'144 at p. 586 column 2). XP'144 teaches "the cleaning method is selected on the basis of the type of soils or contamination that must be removed" (XP'144 at p. 586 column 2).

Changes in temperature, concentrations, or other process conditions of an old process does not impart patentability unless the recited ranges are critical, i.e. they produce a new and unexpected result. However, said parameter must first be recognized as a result-effective variable, i.e., a variable which achieves a recognized result, before the determination of the optimum or workable ranges of said variable might be characterized as routine experimentation. *In re Antonie*, 559 F.2d 618, 195 USPQ 6 (CCPA 1977), See also *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980). Because the composition of the cleaning solution is recognized as a result effective variable, it would have been obvious to one of ordinary skill in the art to determine an optimum or workable range of said variable.

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8. Claims 24-27, 33, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hisamoto et al (US 6,066,392) and Miyashita (5,039,388) in view of JP 08-311594 (JP'594).


Concerning claims 24-27, 33, and 34 neither Hisamoto nor Miyashita teach the instant annealing treatment. However, JP'594 teaches that an Al-Mg alloy that overlaps the composition taught by the combination of Hisamoto and Miyashita has excellent tensile strength when subjected to a process annealing of 200-260°C (see abstract, etc.). It would have been obvious to one of ordinary skill in the art to anneal the alloy taught by the combination of Hisamoto and Miyashita at 200-260°C in order to obtain excellent tensile strength.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janelle Combs-Morillo whose telephone number is (571) 272-1240. The examiner can normally be reached on 8:30 am- 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Jcm  
January 25, 2004

  
GAYLE CHAPPELL  
FEBRUARY 11 2004